HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

Writ Petition No. 9840 of 1997

-
-

Between:

C. Rami Reddy

…Petitioner

And

The Industrial Tribunal-cum-Labour Court,
Godavarikhani, Karimnagar District & another

….Respondents.

:: O R D E R ::

Counsel for the petitioner : Shri V. Narsimha Goud

04.04.2007

This is a petition for quashing award dated 25.10.1994 vide which Chairman of Industrial Tribunal-cum-Labour Court, Godavarikharni (for short 'the Tribunal') declared the petitioner's removal from service as illegal, but did not order his reinstatement with full back wages and consequential benefits.

The petitioner joined the services of Andhra Pradesh State Road Transport Corporation (for short 'the Corporation') as conductor in May, 1967. While he was on duty on Huzurabad route, the bus was inspected by the checking party, which found that the petitioner had collected fare from some passengers, but did not issue tickets. On receipt of the report of checking party, a regular departmental enquiry was instituted against the petitioner on the charges that he had committed misconduct as defined in Clause 26 (xxxii) and Clause 28 (vi)(a) and (ix) (a) of the Andhra Pradesh State Road Transport Corporation Employees (Conduct) Regulations, 1963. The Enquiry Officer submitted report with the finding that the charges levelled against the petitioner have been proved. The Disciplinary Authority accepted the enquiry report and ordered the petitioner's removal from service.

The petitioner challenged the order of removal by filing an application under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short 'the Act'), which was registered as I.D.No.9 of 1993. He did not question the enquiry on the ground of violation of the rules of

natural justice, but pleaded that the findings recorded by the Enquiry Officer were perverse and the order of punishment was arbitrary and disproportionate to the misconduct found proved. He claimed that tickets could not be issued to some of the passengers because the bus was overloaded and that he had no intention to cause loss to the Corporation.

The learned Chairman of the Tribunal did not feel convinced with the petitioner's explanation, but quashed the order of punishment on the premise that the delinquency committed by the petitioner was very minor. Accordingly, he passed the impugned award and directed that the petitioner be appointed as Conductor afresh. This is evinced from paragraphs 13 to 16 of the impugned award, which are extracted below:

> "13. What he had stated can hardly be disputed and denied as the "Checking-Officials" on the reverse of the S.R. i.e. Ex.M-1 to this effect made specific entries writing as :- (85) + (3) and separately indicated (3) passengers as ticketless-ones, though in another column writing the same figure stated that from them, fare had been collected.
>
> 14. From a consideration of the circumstances of so large a number of passengers being found travelling, plea of the petitioner that he had no mala fide intention appears to be correct.
>
> 15. Record disclosed that whereas the total number of passengers was (88), lapse of the petitioner pertained to (23) and that the total amount involved was only Rs.5.25 being Rs.2.25 + Rs.1.50+ 1.50. That being admittedly the case, it could without any hesitation what-so-ever has to be held as of minor nature and did not warrant so severe a punishment as removal from service which in fact has been awarded. Therefore, I am of the view that request of the petitioner deserves acceptance and of the view that the 'Order' passed is liable to be set aside, and the petitioner appointed, but not ignoring his lapse totally and feel it would be ends of justice of both the parties and fitness of things if he is ordered to be appointed as a "Fresher" i.e. as a "Fresh Conductor" without continuity of his previous service and without any back wages.
>
> 16. In the result, 'Award' is passed partly-allowing the petition, but without costs and 'Order' passed by the respondent in terminating the services of the petitioner in Proc.No.02/62(15)/92-KRMR-I, dt.24.08.1992, is set-aside and he i.e. the petitioner is ordered to be appointed as a "Fresh Conductor"."

Shri V. Narsimha Goud argued that the impugned award is liable to be quashed because the Tribunal did not decide the core issue regarding culpability of the petitioner. He emphasized that the petitioner could not issue tickets to all the passengers because the bus was overloaded and argued that even if the Chairman of the Tribunal was of the view that the findings recorded by the Enquiry Officer are correct, he ought to have ordered reinstatement of the petitioner because the allegation found proved against him was extremely trifle.

Shri V.T.M. Prasad supported the award of the Tribunal and argued that the petitioner was rightly denied reinstatement and back wages because he was found guilty of financial misdemeanor.

I have given serious thought to the arguments of the learned counsel. In my opinion, the award under challenge does not suffer any jurisdictional infirmity or an error of law

apparent on the face of the record warranting interference by this Court under Article 226 of the Constitution of India.

The parameters for exercise of High Court's power to issue a writ of certiorari are well defined. Such writ, order or direction can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals or quasi-judicial authorities. A writ can also be issued where, in exercise of jurisdiction conferred on it, the Court or the Tribunal or quasi-judicial authority acts illegally or improperly, i.e., it decides a question without giving an opportunity of hearing to the party affected by the order or where the procedure adopted by it is opposed to the principles of natural justice. However, it must be remembered that the jurisdiction of the High Court to issue a writ of certiorari is supervisory in nature and not appellate one. This necessarily means that the finding of fact reached by the inferior Court, Tribunal etc., as a result of the appreciation of evidence, cannot be reopened or questioned in writ proceedings except when the judgment, order or award suffers from an error of law apparent on the face of the record. An error of law is one which can be discovered on a bare reading of the judgment, order or award under challenge along with the documents which have been relied upon by the inferior Court, Tribunal or quasi-judicial authority. An error, the discovery of which is possible only after a detailed scrutiny of the evidence produced by the parties and lengthy debate at the bar cannot be regarded as an error of law for the purpose of a writ of certiorari. A finding of fact recorded by an inferior Court or Tribunal or quasi-judicial authority can be corrected only if it is shown that in recording the said finding, the Court etc., had erroneously admitted inadmissible evidence and the same has influenced the impugned finding. Similarly, a finding of fact based on no evidence would be regarded as error of law which can be corrected by issuing a writ of certiorari. However, sufficiency or adequacy of the evidence relied upon by the inferior Court of Tribunal or quasi-judicial authority cannot be gone into by the High Court while considering the prayer for issue of a writ of certiorari. Likewise, mere possibility of forming a different opinion on re-appreciation of evidence produced by the parties is not sufficient for issue of a writ of certiorari. – **Syed Yakoob v. K.S. Radhakrishnan and others**[1], **Shaik Mahammad Umarsaheb v. Kadalaskar Hasham Karimsab and others**[2], **R.S. Saini v. State of Punjab and others**[3], **Mohd. Shahnawaz Akhtar and another v. I ADJ Varanasi & ors.**[4] and **Surya Dev Rai v. Ram Chander Rai**[5].

In the light of the above noted limitations on this Court's power of judicial review, I shall now consider whether the Chairman of the Tribunal committed any illegality by declining the relief of reinstatement and back wages to the petitioner.

It is neither the pleaded case of the petitioner nor Shri V. Narsimha Goud argued that the impugned award is vitiated due to want of jurisdiction or excess of jurisdiction or that his client was not given reasonable opportunity to defend himself in the departmental enquiry. Rather, the only argument of the learned counsel is that in view of the finding recorded by the Chairman of the Tribunal that the misconduct found proved against the

petitioner is not serious, the petitioner should have been reinstated with back wages.

While adjudicating such matters, the Court has to keep in mind that a Conductor serving the Corporation plays an important role in collection of the revenue, which, ultimately, constitutes the part of fund on which the Corporation carries its business, industry and undertaking. If an employee belonging to that cadre is found guilty of financial misdemeanor, then he has to be dealt with appropriate seriousness and adequately punished. Generally speaking, the employees of the Corporation, as other employees of the government and its agencies/instrumentalities, are trustees of public faith and confidence and are expected to serve the organization with complete devotion, honesty and commitment. If an employee is found guilty of misappropriation of public funds, corruption, dishonesty, fraud, etc., then he has no right to remain in service. The employer is duty bound to show him the door as early as possible. In this connection, reference can usefully be made to the judgments of this Court in **Andhra Pradesh State Road Transport Corporation v. Additional Judge, Labour Court-cum-Industrial Tribunal**[6] and of Gujarat High Court in **Gujarat State Road Transport Corporation v. Jamnadas Behari Bhai**[7].

I shall now consider whether the present one was a fit case for exercise of power by the Tribunal under Section 11-A of the Act. That Section reads as under:

> **"11-A. Power of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of Workmen:-** Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:
>
> Provided that in any proceeding under this Section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter."

By enacting the above reproduced provision, the Parliament has conferred statutory power on the Labour Courts/Tribunals/National Tribunals to give appropriate relief in the cases of discharge or dismissal of workmen. By exercising power under Section 11-A the Labour Courts/Tribunals/National Tribunals are entitled to set aside an order of discharge or dismissal and direct reinstatement of the workmen on such terms and conditions as it thinks fit. However, power under Section 11-A can be exercised only on fulfillment of the conditions enumerated in that Section, namely, that the Labour Court/Tribunal or the National Tribunal must be satisfied that the order of discharge or dismissal was not justified. However, conferment of wide power on the Labour Court/Tribunal or National Tribunal to set aside the order of discharge or dismissal does not mean that in each and every case the Labour Court/Tribunal or National Tribunal has got untrammeled power to

interfere with the punishment imposed by the employer. The power has to be exercised only after the Labour Court, Tribunal or National Tribunal is satisfied that the order of discharge or dismissal. The satisfaction of the Labour Court, Tribunal or National tribunal is not a subjective satisfaction but clearly an objective satisfaction. This obviously involves application of mind by the Labour Court, Tribunal or National Tribunal on various relevant circumstances, like the nature of delinquency committed by the workman, his past conduct, the impact of the delinquency on the employer's business/industry as also the total length of service rendered by the workman. That apart, the Labour Court, Tribunal or National Tribunal is required to consider as to whether the decision taken by the Management is just or not. Only after due consideration of these factors, the Labour Court, Tribunal or National Tribunal can upset the punishment imposed by the employer. Interference cannot be done by the Labour Court, Tribunal or National Tribunal with the quantum of punishment without recording a specific finding in the manner aforesaid and after consideration of the material circumstances.

In **Engineering Laghu Udyog Employees Union v. Judge, Labour Court and Industrial Tribunal**[8], a three Judges Bench of the Supreme Court referred to various judicial precedents including the often-quoted judgment in **Workmen v. Fire Stone Tyre and Rubber Company**[9] and held:

> "Section 11-A of the Industrial Disputes Act, 1947 (for short "the Act") confers a wide power upon the Labour Court, Tribunal or the National Tribunal to give appropriate relief in case of discharge or dismissal of workman. While adjudicating on a reference made to it, the Labour Court, Tribunal or the National Tribunal, as the case may be, if satisfied that the order of discharge or dismissal was not justified, may, while setting aside the same, direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require. Thus, only in a case where the satisfaction is reached by the Labour Court or the Tribunal, as the case may be, that an order of dismissal was not justified, the same can be set aside."

In **Mahindra and Mahindra v. N.D., Narawade**[10], the Supreme Court held as under:

> "After introduction of Section 11-A in the Industrial Disputes Act, certain amount of discretion is vested with the Labour Court/Industrial Tribunal in interfering with the quantum of punishment awarded by the management where the work concerned is found guilty of misconduct. The said area of discretion has been very well defined by the various judgments of the Supreme Court and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion which can be exercised under Section 11-A is available only on the existence of certain factors like punishment being so disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the Labour Court cannot be way of sympathy alone exercise the power under Section 11-A and reduce the

punishment."

In **M.P. Electricity Board v. Jagdish Chandra Sharma**[11], the Supreme Court interpreted Section 107-A of the Madhya Pradesh Industrial Relations Act, 1960, which is pari materia to Section 11-A of the Act, and held:

> "The scope of Section 107-A of the Madhya Pradesh Industrial Relations Act, 1960 is the same as that of Section 11-A of the Industrial Disputes Act, 1947. The jurisdiction under Section 107-A of the Act to interfere with punishment when it is a discharge or dismissal can be exercised by the Labour Court only when it is satisfied that the discharge or dismissal is not justified. The Tribunal or the Labour Court cannot interfere with the quantum of punishment based on irrational or extraneous factors and certainly not on what it considers a compassionate ground. The jurisdiction vested with the Labour Court to interfere with punishment is not to be exercised capriciously and arbitrarily. It is necessary, in a case where the Labour Court finds the charge proved, for a conclusion to be arrived at that the punishment was shockingly disproportionate to the nature of the charge found proved, before it can interfere to reduce the punishment. When charges proved are grave vis-à-vis the establishment, interference with punishment of dismissal cannot be justified. Similarly, the High Court gets jurisdiction to interfere with the punishment in exercise of its jurisdiction under Article 226 f the Constitution only when it finds that the punishment imposed is shockingly disproportionate to the charge proved."

In **Hombe Gowda Educational Trust v. State of Karnataka**[12], the Supreme Court interpreted Section 8 of the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 and held:

> "The Tribunal's jurisdiction under Section 8 of the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 is akin to one under Section 11-A of the Industrial Disputes Act, 1947. While exercising such discretionary jurisdiction, no doubt it is open to the Tribunal to substitute one punishment by another; but it is also trite that the Tribunal exercises a limited jurisdiction in this behalf. The jurisdiction to interfere with the quantum of punishment could be exercised only when, inter alia, it is found to be grossly disproportionate. Such interference at the hands of the Tribunal should be inter alia on arriving at a finding that no reasonable person could inflict such punishment. The Tribunal may furthermore exercise its jurisdiction when relevant facts are not taken into consideration by the management which would have direct bearing on the question of quantum of punishment."

In **South Indian Cashew Factories Workers' Union v. Kerala State Cashew Development Corporation**[13], the Supreme Court reiterated that in exercise of power under Section 11-A, the Tribunal cannot sit in appeal over the findings recorded in the disciplinary proceedings and held:

> "If the enquiry is fair and proper then in the absence of any allegations of victimisation or unfair labour practice the Labour Court has no power to interfere with the punishment imposed. Section 11-A of the Industrial Disputes Act, 1947 gives ample power to the Labour Court to reappraise the evidence adduced in the enquiry and also sit in appeal over the decision of the employer in imposing punishment. But, that section is applicable only in the case of dismissal or discharge of a workman. Since section 11-A was not applicable, the Labour Court

had no power to reappraise the evidence to find out whether the findings of the enquiry officer were correct or not whether the punishment imposed was adequate or not."

I may now notice some decisions, which have bearing on the High Court's power to interfere with the disciplinary proceedings and the order of punishment. In **State of Orissa v. Bidyabhushan Mohapatra**[14], the Supreme Court considered whether the High Court can interfere with the order of punishment simply because finding recorded by the enquiry officer in respect of some charges is found to be vitiated by an error of law and whether it can go into the sufficiency and adequacy of punishment. While reversing the order of Orissa High Court, which had allowed the writ petition, filed by the respondent, their Lordships of the Supreme Court observed:

"But the Court in a case in which an order of dismissal of a public servant is impugned is not concerned to decide whether the sentence imposed, provided it is justified by the rules, is appropriate having regard to the gravity of the misdemeanour established. The reasons which induce the punishing authority, if there has been an inquiry consistent with the prescribed rules, are not justiciable: nor is the penalty open to review by the Court. If the High Court is satisfied that if some but not all of the findings of the Tribunal were 'unassailable', the order of the Governor on whose powers by the rules no restrictions in determining the appropriate punishment are placed, was final, and the High Court had no jurisdiction to direct the Governor to review the penalty for as we have already observed the order of dismissal passed by a competent authority on a public servant, if the conditions of the constitutional protection have been complied with, is not justiciable. Therefore if the order may be supported on any finding as to substantial misdemeanour for which the punishment can lawfully be imposed, it is not for the Court to consider whether that ground alone would have weighed with the authority in dismissing the public servant. The Court has no jurisdiction if the findings of the inquiry officer or the Tribunal prima facie make out a case of misdemeanour, to direct the authority to reconsider that order because in respect of some of the findings but not all it appears that there had been violation of the rules of natural justice."

In **State of A.P. v. Sree Rama Rao**[15], the Supreme Court indirectly reiterated the proposition laid down in **Bidyabhushan Mohapatra** (supra) and held:

"The High Court is not constituted in a proceeding under Article 226 of the Constitution a court of appeal over the decision of the authorities holding a departmental inquiry against a public servant; it is concerned to determine whether the inquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the inquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of inquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations

extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the inquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which the findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding ... under Article 226 of the Constitution."

In **Rly. Board v. Niranjan Singh**[16], the principle laid down in **Bidyabhushan Mohapatra** (supra) was reiterated. In **State of Madras v. G. Sundaram**[17], the Constitution Bench of the Supreme Court laid down the following proposition:

"High Court, in the exercise of its jurisdiction under Article 226 of the Constitution, cannot sit in appeal over the findings of fact recorded by a competent Tribunal in a properly conducted departmental enquiry except when it be shown that the impugned findings were not supported by any evidence. It cannot consider adequacy of that evidence to sustain the charge."

In **State of A.P. v. C. Venkata Rao**[18], a three Judges Bench of the Supreme Court referred to the judgments of **Syed Yakoob** (supra), **Bidyabhushan Mohapatra** (supra), **Niranjan Singh** (supra) and observed:

"In considering whether a public officer is guilty of misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court need not be applied. Even if that rule is not applied by a domestic tribunal in any inquiry the High Court in a petition under Article 226 of the Constitution is not competent to declare the order of the authorities holding a departmental enquiry invalid. The High Court is not a court of appeal under Article 226 over the decision of the authorities holding a departmental enquiry against a public servant. The Court is concerned to determine whether the enquiry is held by an authority competent in that behalf and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court to review the evidence and to arrive at an independent finding on the evidence. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. A finding of fact recorded by the Tribunal cannot be challenged on the ground that the relevant and material evidence adduced before the Tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal."

In **B.C. Chaturvedi v. Union of India**[19], the Supreme Court, while considering the appellant's challenge to the order of punishment passed as a sequel to the departmental enquiry held against him, highlighted the limited scope of judicial review by making the following observations:

"Judicial review is not an appeal from a decision but a review of the manner in

which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before the Court/Tribunal. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The disciplinary authority is the sole judge of facts. Where appeal is presented, the appellate authority has coextensive power to re-appreciate the evidence or the nature of punishment. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of that case."

In **Apparel Export Promotion Council v. A.K. Chopra**[20], the Supreme Court again considered the High Court's power to interfere with the disciplinary proceedings and held:

"It is a settled position that in departmental proceedings, the disciplinary authority is the sole judge of facts and in case an appeal is presented to the appellate authority, the appellate authority has also the power/and jurisdiction to reappreciate the evidence and come to its own conclusion, on facts, being the sole fact-finding authorities. Once findings of fact, based on appreciation of evidence are recorded, the High Court in writ jurisdiction may not normally interfere with those factual findings unless it finds that the recorded findings were based either on *no evidence* or that the findings were wholly perverse and/or legally untenable. The adequacy or inadequacy of the evidence is not permitted to be canvassed before the High Court. Since the High Court does not sit as an appellate authority over the factual findings recorded during departmental proceedings, while exercising the power of judicial review, the High Court cannot, normally speaking, substitute its own conclusion, with regard to the guilt of the delinquent, for that of the departmental authorities. Even insofar as imposition of penalty or punishment is concerned, unless the punishment or penalty imposed by the disciplinary or the departmental appellate authority, is either impermissible or such that it shocks the conscience of the High Court, it should not normally substitute its own opinion and impose some other punishment or penalty.

Further, it is a well-settled principle that even though judicial review of administrative action must remain flexible and its dimension not closed, yet the court, in exercise of the power of judicial review, is *not* concerned with the *correctness* of the findings of fact on the basis of which the orders are made so long as those findings are reasonably supported by evidence and have been arrived at through proceedings which cannot be faulted with for procedural illegalities or irregularities which vitiate the

process by which the decision was arrived at. Judicial review, it must be remembered, is directed not against the decision, but is confined to the examination of the decision-making process.

Judicial review, not being an appeal from a decision, but a review of the manner in which the decision was arrived at, the court, while exercising the power of judicial review, must remain conscious of the fact that if the decision has been arrived at by the administrative authority after following the principles established by law and the rules of natural justice and the individual has received a fair treatment to meet the case against him, the court cannot substitute its judgment for that of the administrative authority on a matter which fell squarely within the sphere of jurisdiction of that authority."

By applying the ratio of the above noted judgments to the facts of this case, I hold that the impugned award does not suffer from any legal infirmity and the writ petition is liable to be dismissed. Ordered accordingly. However, the parties are left to bear their own costs.

G.S.SINGHVI, CJ

04.04.2007

ksld

---

[1] **AIR 1964 SC 477**
[2] **AIR 1970 SC 61**
[3] **JT 1999 (6) SC 507**
[4] **JT 2002(8) SC 69**
[5] **2003(6) SCC 675**
[6] **1986-63-FJR 230**
[7] **1987-I-LLN-152**
[8] **(2003) 12 SC 1**
[9] **AIR 1973 SC 1127 = (1973) 1 SCC 813**
[10] **(2003) 5 SCC 134**
[11] **(2003) 5 SCC 401**

[12] (2006) 1 SCC 430

[13] (2006) 5 SCC 201

[14] AIR 1963 SC 779

[15] AIR 1963 SC 1723

[16] AIR 1969 SC 966

[17] AIR 1965 SC 1103

[18] AIR 1975 SC 2151

[19] (1995) 6 SCC 749

[20] (1999) 1 SCC 759